

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF ALABAMA**

In re

Case No. 02-81255-WRS

Chapter 13

EVAN L. WADMAN

THERESA LOUISE WADMAN,

Debtors

MEMORANDUM DECISION

This Chapter 13 case came before the Court for hearing on July 26, 2006, upon the Trustee's motion for examination of Debtors' transactions with their attorney. (Doc. 32). The Chapter 13 Trustee was present but Debtors' counsel Ruth S. Sullivan was not. For the reasons set forth below the Trustee's motion is GRANTED and Ruth Sullivan is ordered to pay \$850 to the Chapter 13 Trustee to be held pending further Orders of the Court.

This matter arose as a result of the Debtor's Chapter 13 Plan to fail to provide for two secured claims. All allowed secured claims must be paid over the life of the plan. 11 U.S.C. § 1325(a)(5). In general terms, when a secured claim is filed which is not provided for under a Chapter 13 Plan, one of two things must happen. If the claim is valid, the Plan should be amended to provide for payment of the claim. If the claim is not valid, an objection to the claim should be filed. When the Chapter 13 Trustee learned of the two secured claims which were not provided for under the Debtors' Plan, he made repeated attempts to contact Ms. Sullivan, however, she did not respond. The Trustee then filed the instant motion. (Doc. 32). Ms. Sullivan did not respond to the motion and she did not appear at the hearing.

The Court notes that some attorneys lose interest in their cases once they are paid. In this case, Ms. Sullivan has been paid \$850. Moreover, the Court has observed that she had not made

any effort to respond to this Court since her associate Christopher Haugen left his employment with her. The Court will, by way of a separate order, require Ms. Sullivan to repay the \$850 previously paid her as attorney's fees in this case.

Done this 21st day of August, 2006.

/s/ William R. Sawyer
United States Bankruptcy Judge

c: Debtors
Ruth S. Sullivan, Attorney for Debtors
Curtis C. Reding,